



INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF CHANDLER

Project No. M-950-6-501

THIS AGREEMENT, entered into this 22nd day of September, 1980, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the CITY OF CHANDLER, hereinafter called "CITY",

WHEREAS, STATE is empowered by A.R.S. Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE; and

WHEREAS, CITY is empowered by Article I, Section 1.03 of the Charter for the City of Chandler and A.R.S. Section 11-951 through Section 11-954, as amended to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said CITY; and

WHEREAS, the parties hereto have previously concluded an agreement dated January 25, 1979, for the joint improvement of State Route 87-93 (Arizona Avenue), which called for CITY to provide, operate, and maintain a retention basin with a capacity of 83 acre feet of water for the storm drainage system which was an integral part of said improvement; and

WHEREAS, in order to dispose of the water that will accumulate from said storm drainage system and thus complete the system, it is now necessary to make provision for the acquisition, installation, and operation and maintenance of the required pump and related valves, pipe and other incidentals.

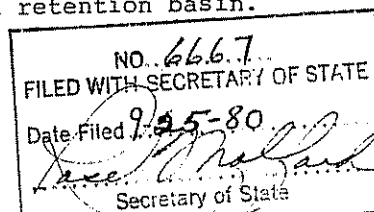
THEREFORE, the parties hereto covenant and agree as follows:

STATE shall:

Pay to CITY the sum of TWENTY-THREE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$23,500.00), as its sole obligation under this agreement, to be used to purchase the necessary parts and equipment.

CITY shall:

1. Use the \$23,500.00 from STATE to purchase the required pump, pipe, valves, and other incidentals for this project.
2. Install and make operative the items in paragraph No. 1.
3. Operate and maintain same at its sole expense.
4. Indemnify and save STATE harmless from all liability however arising to any and all persons whomsoever, whether for personal injuries or otherwise and from any claims of any person of damage to or loss of property by reason of the installation, operation, and maintenance of the pump, pipe, valves, and other incidentals or by reason of anything done or permitted to be done by CITY, its officers, agents, employees, or contractors in and about the area of the aforesaid retention basin.



5. Release and does hereby release STATE from any further obligation, financial or otherwise, related to the aforesaid storm drainage system and retention basin and appurtenances which lie outside of the right of way limits of State Route 87-93(Arizona Avenue).

This Agreement shall be filed with the Secretary of State and shall become effective on the filing date.

Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that CITY is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor, pursuant to Arizona Revised Statutes, Section 38-511.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

CITY OF CHANDLER
~~DEPARTMENT OF TRANSPORTATION~~ 9/24

STATE OF ARIZONA

BY: James D. Gott
James D. Gott
Title: PUBLIC WORKS DIRECTOR

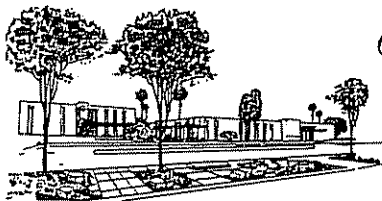
By: J. B. Wenz
Title: Acting Plant Engineer

ATTEST:

Helen M. Cain
CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY
See Attached letter



Municipal Building

City of Chandler

OFFICE OF CITY ATTORNEY

*200 North Chippewa Place
Chandler, Arizona 85224
Telephone: 963-3444*

August 5, 1980

Arizona Dept. of Transportation
Highways Division
206 South 17th Avenue
Phoenix, AZ 85007

RE: M-950-6-701
CHANDLER URBAN AREA
Denver St. - Knox Rd.
Agreement for Drainage of the
Denver School Retention Basin

Dear Sir:

This letter is to certify that I have reviewed the Intergovernmental Agreement between the State of Arizona and the City of Chandler relative to the above-referenced project and find that the City has the authority to enter into said Contract through Article I, Section 1.03 of the Charter for the City of Chandler and A.R.S. Section 11-951 through 11-954, as amended.

Respectfully submitted,

Clifford J. Frey
Clifford J. Frey

CJF/rl

EXHIBIT "B"

RESOLUTION

BE IT RESOLVED, on this 22nd day of July, 1980, that I, W. A. Ordway, Director of the Arizona Department of Transportation have determined that it is in the best interests of the State of Arizona that the Highways Division of the Arizona Department of Transportation enter into an intergovernmental agreement with the City of Chandler to share the cost of pumps, related valves and other incidentals for the Denver School Retention Basin which was made a part of the comprehensive drainage plan for the City of Chandler, including drainage for Arizona Avenue (S.R. 87).

Therefore, authorization is hereby given to draft said agreement, which, upon completion, shall be submitted for approval and execution.

A handwritten signature in dark ink, appearing to read 'W. A. Ordway', is written over a horizontal line.

W. A. Ordway, Director
Arizona Department of Transportation

RESOLUTION NO. 898

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING ACCEPTANCE OF FUNDS AND SIGNING THE INTER-GOVERNMENTAL AGREEMENT WITH STATE OF ARIZONA DEPARTMENT OF TRANSPORTATION.

WHEREAS, the Mayor and City Council of the City of Chandler, Arizona, desire to provide proper and safe drainage in conformance to the City Code; and

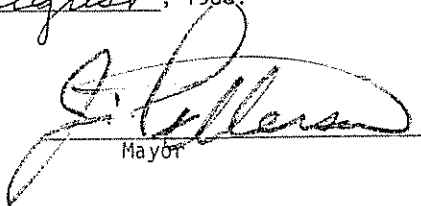
WHEREAS, the storm water from Arizona Avenue is drained to the Denver Retention Basin which lacks the capability to dissipate the collected water in conformance to the City Code; and

WHEREAS, there is a shared responsibility between the City of Chandler and the Arizona Department of Transportation to insure that proper drainage from the Denver Retention Basin does occur,

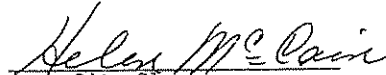
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AS FOLLOWS:

1. That the City of Chandler and the Arizona Department of Transportation enter into an agreement for funds to purchase drainage equipment and provide force account installation to provide proper drainage of the Denver Retention Basin; and
2. That the Director of Public Works be authorized to enter into such agreement with the Arizona Department of Transportation for the City's receipt of \$23,500 and the City's commitment to install, operate and maintain the drainage equipment.

PASSED AND APPROVED by the Mayor and Council of the City of Chandler, Arizona, this 28th day of August, 1980.


Mayor

ATTEST:


City Clerk

C-E-R-T-I-F-I-C-A-T-I-O-N

I HEREBY CERTIFY THAT the above and foregoing Resolution No. 898 was duly passed and approved by the City Council of the City of Chandler this 28th day of August, 1980, and that a quorum was present thereat.


City Clerk



OFFICE OF THE
Attorney General
1801 WEST JEFFERSON STREET
FOURTH FLOOR
PHOENIX ARIZONA 85007

ROBERT K. CORBIN
~~XXXXXXXXXXXX~~
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. 79-51 which is an agreement between public agencies has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 23rd day of January, 1979.

ROBERT K. CORBIN
Attorney General

A handwritten signature in cursive script, reading "James R. Redpath".

JAMES R. REDPATH
Assistant Attorney General